

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18648)
by Donald O. and Velma R. Nassie)
and Ernest E. and Maxine B. Harris)
to Appropriate from an Unnamed)
Stream in Mendocino County)

Decision D 1053

ADOPTED DEC 21 '61

DECISION APPROVING APPLICATION

Donald O. and Velma R. Nassie and Ernest E. and Maxine B. Harris having filed Application 18648 to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Rights Board in Ukiah, California, on July 18, 1961, William A. Alexander, Member, presiding; the applicants and protestants having been duly notified of said hearing; all evidence received at said hearing having been duly considered, the Board finds as follows:

1. Application 18648 is for a permit to appropriate 5 acre-feet per annum (afa) by storage from about November 15 of each year to about July 1 of the succeeding year for irrigation purposes from an unnamed stream in Mendocino County. The point of diversion is located within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, T17N, R12W, MDB&M.

2. Ernest E. and Maxine B. Harris have no further interest in Application 18648 following a Judgment of the Superior

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Court of Mendocino County (Action No. 23096) under the terms of which they were divested of any right, title, and interest in the property described as the place of use in the application.

3. The applicants' project consists of a completed reservoir on the unnamed stream located approximately one-half mile above the confluence of said unnamed stream with the West Branch Russian River. The property of the protestants who appeared at the hearing lies within one-quarter mile below the applicants' point of diversion.

4. On May 8, 1961, the applicants' reservoir was full and was receiving an inflow of approximately one gallon per minute. This reservoir is also supplied by an underlying spring. There is ample water to supply both the applicants and protestants during the diversion season set forth in the application.

5. Protestants stated at the hearing that they had no objection to the approval of the application if the applicants were required to provide a proper outlet for the bypass of water through or around the reservoir, claiming that the spillway of the reservoir is in disrepair, causing water which would normally reach the protestants to be diverted outside the watershed. This objection will be disposed of by a provision in the permit requiring that outlet pipes and other facilities satisfactory to the Board be installed to insure the bypass or release of water to satisfy downstream rights.

6. There is unappropriated water available to supply the applicants, and, subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

7. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 18648 should be approved and that a permit should be issued to the applicants subject to the limitations and conditions, set forth in the following Order.

IT IS HEREBY ORDERED that Application 18648, be, and the same is, approved, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 5 acre-feet per annum (afa) by storage to be collected from about November 15 of each year to about July 1 of the succeeding year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

6. This permit does not authorize collection of water to storage during the period from about July 1 to about November 15, to offset evaporation and seepage losses or for any other purpose.

7. Permittees shall install and maintain an outlet pipe of adequate capacity in their dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Rights Board, in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy the downstream prior right and/or to the extent that appropriation of said water is not authorized under this permit.

8. Permittees shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

Adopted as the decision and order of the State Water
Rights Board at a meeting duly called and held at Sacramento,
California, on the day of , 1961.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member